IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

WRIT PETITION NO. 1523 OF 2005

M. H. Shaikh — Petitioner

vs.

1. Hon'ble Principal Judge,
The Bombay City Civil & Sessions
Court, Bombay & ors. — Respondents

Mr.N.Y.Gupte for the petitioner.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ.

DATED : 16th June 2005

P.C.

Heard Mr.N.Y.Gupte, the learned counsel for the petitioner.

2. We perused the report submitted by the Inquiry Officer and the order of reversion. We also perused the order passed by the Appellate Authority.

3. The petitioner was at the relevant time Court sheristedar and attached to court room no.5 of the City Civil Court, Mumbai. During the period from 30.06.1996 to 10.01.2002 various record and proceedings in the Suits got misplaced. That resulted in not only inconvenience to the concerned Presiding Officer but also hardship to the parties to the litigation.

4. The misconduct of the petitioner was inquired into and disciplinary action was initiated under Maharashtra Civil Services (Conduct) Rules, 1979.

5. The departmental inquiry was conducted and in the inquiry it was proved that the petitioner attached to court room no.5 between 30.06.1996 to 10.01.2002 negligently misplaced or caused to be misplaced record and proceedings of various suits on various dates causing inconvenience to the court and hardship to the Advocates and litigants. It was also established that four suits which were assigned to court room no.6 for hearing and final disposal were negligently retained by the petitioner in court room no.5 in his custody without any authority.

6. Upon receipt of the inquiry report, copy thereof was supplied to the petitioner and show cause notice was issued to him. The petitioner responded to the show cause notice. The disciplinary authority concurred with the findings of the inquiry Officer and by order dated 25th March 2004 ordered reversion to the post of Interpreter. The departmental appeal was preferred by the petitioner which came to be dismissed on 5th March 2005.

7. From the available material, it cannot be said that the finding recorded by the Inquiry Officer that the petitioner negligently misplaced or caused to be misplaced the record and proceedings of various suits while he was working as sheristedar attached to court room no.5 is based on no legal evidence or is perverse. The finding of the Inquiry Officer that the petitioner retained the record and proceedings of four suits negligently in his custody without any authority though the said suits were assigned to court room no.6 for hearing and final disposal also does not suffer from any legal infirmity. In the face of the misconduct proved against the petitioner, the order of reversion cannot be faulted.

8. In the departmental appeal before the Appellate Authority the petitioner prayed for leniency. However, the Appellate Authority found that the petitioner was guilty of negligence in discharge of his duties. The petitioner lacked interest and devotion. The Appellate Authority also observed that the petitioner has been consistently negligent and another departmental enquiry has been initiated against him on similar charges and he has been placed under suspension with effect from 24th September 2003. The learned counsel for the petitioner did not dispute before us that the petitioner is facing yet another departmental inquiry for almost similar

charges and that he is under suspension.

9. We find no justifiable ground to interfere with the impugned orders.

10. Writ petition is dismissed in limine.

(R.M. LODHA,J.)

(J.P. DEVADHAR,J.)